

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments. Claims 1-22, 24 and 25 remain pending in the case. Claims 1-25 are rejected. Claim 23 is cancelled herein without prejudice. Claims 1, 2, 13, 16, 22 and 24 are amended herein. No new matter has been added.

35 U.S.C. § 102(e)

Claims 1-11 and 16-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent 6,317,784 by Mackintosh et al., hereinafter referred to as the "Mackintosh" reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-11 and 16-21 are not anticipated by Mackintosh in view of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for providing information to a radio appliance playing audio content broadcast by a radio station, comprising the steps of:

receiving a user-generated request for information about the audio content from the radio appliance;

receiving information from the radio appliance indicating the identity of the audio content;

accessing a database that contains the requested information; and
delivering the requested information to the radio appliance.

Independent Claim 16 recites similar limitations. Claims 2-11 that depend from independent Claim 1 and Claims 17-21 that depend from independent Claim 16 provide further recitations of the features of the present invention.

Mackintosh and the claimed invention are very different. Applicants understand Mackintosh to teach a method for presenting supplemental information for broadcast material. In particular, Applicants understand Mackintosh to teach a method for automatically retrieving the supplemental information, without receiving a user-generated request. "When the user's terminal receives a track to be played, the user's terminal takes the program data associated with that track and uses that data to access one or more servers to retrieve the supplemental information" (col. 3, lines 21-25).

With reference to Figure 2 of Mackintosh, a method for coordinating the retrieval of supplemental material is shown. Specifically, at step 134, the program provider delivers data pertaining to the broadcast materials to the data server (col. 6, lines 36-37). This data can be delivered in real time or in advance of the delivery of the broadcast material (col. 6, lines 41-44). Applicants understand that the data is transmitted automatically by the user's terminal. In particular, Mackintosh does not teach describe or suggest

retrieving the supplemental information in response to a user-generated request. .

In contrast, embodiments of the claimed invention are directed towards a method for providing information to a radio appliance playing audio content broadcast by a radio station, including "receiving a user-generated request for information about the audio content from the radio appliance" (emphasis added). As described in the present application, "the user can decide to request information about the audio content. The request is received by a software program that has access to a database containing the requested information" (page 3, paragraph [0006]). Due to bandwidth limitations experienced by some users, particularly those accessing the radio content over the Internet using a dial-up connection, it is desirable to limit extraneous data transfer so as to not disrupt the data stream. As such, the claimed embodiments provide for limiting data transfer while allowing the user to determine if the desire more information.

Applicants respectfully assert that Mackintosh in particular does not teach, disclose, or suggest providing information to a radio appliance in response to a user-generated request, as claimed. Therefore, Applicants respectfully assert that nowhere does Mackintosh teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claims 1 and 16, and that these claims are thus in a condition for allowance.

Therefore, Applicants respectfully submit the Mackintosh also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-11 that depend from independent Claim 1 and Claims 17-21 that depend from independent Claim 16. Therefore, Applicants respectfully submit that Claims 2-11 and 17-21 overcome the rejection under 35 U.S.C. § 102(e), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a)

Claims 12-15, 22, 24 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackintosh in view of United States Patent 6,177,931 by Alexander et al., hereinafter referred to as the "Alexander" reference. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 12-15 and 22-25 are not anticipated by the combination of Mackintosh and Alexander in view of the following rationale.

As described above, independent Claim 1, upon which Claims 12-15, depend from, are directed toward a method for providing information to a radio appliance about playing audio content in response to a user-generated request. Independent Claims 22 and 24 provide similar limitations. The combination of Mackintosh and Alexander does not teach the method as claimed. For instance, Mackintosh and the claimed invention are very different.

Applicants understand Mackintosh to teach a method for automatically retrieving supplemental information associated with broadcast material, without receiving a user-generated request.

Moreover, the combination of Mackintosh and Alexander fails to teach or suggest this claim limitation because Alexander does not overcome the shortcomings of Mackintosh. Applicants understand Alexander to teach an Electronic Program Guide (EPG). In particular, Alexander teaches an EPG that does not provide information about audio content being played.

As described in Alexander, interacting with a remote control accesses the EPG. Arrows on the remote control are used for navigating the EPG. In order to access information about the current program, a user must navigate through the EPG to find the information. Specifically, the EPG operates independently of the current program.

In contrast, embodiments of the claimed invention are directed towards a method for providing information to a radio appliance playing audio content broadcast by a radio station, including "receiving a user-generated request for information about the audio content from the radio appliance" (emphasis added). As described in the present application, "the user can decide to request information about the audio content. The request is received by a software program that has access to a database containing the requested

information" (page 3, paragraph [0006]). Specifically, the claimed embodiments do not require a user to scroll through a listing of offered audio content in order to select the playing audio content. On the contrary, the claimed embodiment includes a radio appliance playing audio content and receiving a user-generated request for information about the audio content.

As described above, bandwidth limitations experienced by some users, particularly those accessing the radio content over the Internet using a dial-up connection, makes it desirable to limit extraneous data transfer so as to not disrupt the data stream. As such, the claimed embodiments provide for limiting data transfer while allowing the user to determine if the desire more information.

Applicants respectfully assert that nowhere does Alexander teach, describe or suggest a method for providing information to a radio appliance about playing audio content in response to a user-generated request, as claimed. Applicants respectfully assert that nowhere does the combination of Mackintosh and Alexander teach, disclose or suggest the present invention as recited in independent Claims 1, 22 and 24, and that these claims are thus in condition for allowance. Therefore, Applicants respectfully submit the combination of Mackintosh and Alexander also does not teach or suggest the additional claimed features of the present invention as recited in Claims 12-15 dependant on allowable base Claim 1 and Claim 25 dependant on allowable

base Claim 24. Therefore, Applicants respectfully submit that Claims 12-15 and 25 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

Based on the amendments and arguments presented above, Applicants respectfully assert that Claims 1-22, 24 and 25 are allowable and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account No. 23-0085.

Respectfully submitted,
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ORIGINAL SIGNED BY

Dated: 1/26, 2004

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